

REMARKS

Applicants respectfully request the Examiner to enter this Amendment, correct the PTO records so that official correspondence is properly mailed to Applicants' lawful counsel of record (see the January 25, 2002 Revocation and Power of Attorney from the Assignee). This is now the fifth (5th) request. Thereafter, reconsider the rejections and then allow the application.

Applicants' undersigned, appointed counsel remains rather perplexed why the Patent Office would steadfastly the mail official correspondence to a law firm having no power of attorney in the application. The record will show the Patent Office has consistently mailed official correspondence to Pillsbury Winthrop, LLP even though said firm has no Power of Attorney in this application. Indeed, the record shows that the Power of Attorney to Pillsbury Winthrop, LLP was revoked.

The Patent Office mailed the March 26, 2003 Office Action to Pillsbury Winthrop, LLP even though said firm has no Power of Attorney to transact business in this application. In fact, Applicants' counsel filed a request to correct PTO records and to re-set the response date herein on April 9, 2003 but the PTO never responded to that request.

Applicants' counsel also call attention to the January 16, 2003 response, last two sentences, at page 3: "Please acknowledge the Power of Attorney from Assignee filed herein on or about July 31, 2002. Please direct all PTO communications to the undersigned."

Please correct the record and confirm such correction for the counsel of record and confirm the corrected mailing address.

Explanation of claim amendments

Amended claim 1 finds basis in the specification throughout and the language therefore avoids new matter.

New claim 7 finds basis in original claim 6.

Traversing the rejections

Claims 1-6 define novel obvious inventions.

The Examiner did, however, reject claims 1-6 under 35 U.S.C. §103(a) over JP A-06-344362 in view of Ozeki et al., U.S. Patent No. 6,080,469.

The Office Action states "[t]he page numbers referred to below correspond to those of the English translation of the Japanese patent." It is assumed that the Examiner is referring to a machine-translation of the Japanese patent document obtained from the Japanese Patent Office website.

Applicants enclose herewith a two-page document captioned "Partial Translation of JP-6-344362".

JP 6-344362 discloses a method for producing a composite foamed article (claim 1) and also teaches an automobile panel having a layered construction comprising an skin material 8, a solidified layer 11, a polypropylene foam layer 13 and a solidified layer 11 (Figure 7) obtained by the method.

In the method of JP '362, as understood from a partial English translation of JP '362 (claim 1 and paragraph [0045]), which is a machine translation of the JPO website, what is obtained is a composite foamed article having a foamed substrate layer made up of solidified layers 11, 11 and a polypropylene foam layer 13 which have been formed from the same

material, namely, a foaming agent-containing polypropylene resin composition. As alleged in the previous response to the previous Office Action, JP '362 specifically teaches the person of ordinary skill in the art in Example 1 (paragraph [0060] and Comparative Example 2 (paragraph [0067]) that the solidified layers 11, 11 have the same thickness. This document, however, does not teach a laminate having solidified layers 11, 11 different in thickness.

On the other hand, Ozeki et al. (U.S. Patent 6,080,469) has been alleged to disclose a laminated foam sheet comprising a foamed core layer, a film layer (P) laminated on one side of said foamed core layer, and a film layer (S) laminated on the other side of said foamed core layer; said foamed core layer comprising a modified polyphenylene ether resin (I), said film layer (P) comprising a modified polyphenylene ether resin (II), and said film layer (S) comprising a polystyrene resin (III) (column 2, lines 14-21). In column 6, lines 35-42, this document teaches that the film layers (P) and (S) preferably differ in thickness. However, this document is silent about a foamed article comprising a foamed core layer having on its both sides skin layers, the core layer and the skin layers being from the same material. Moreover, a film which is made of a material different from that of a foamed core layer is integrated by lamination with the foamed core layer, such as the film layers (P) and (S) of Ozeki et al., is a kind of the skin material defined in the present invention. In one embodiment of the present invention, the skin material may be a film or sheet formed of a thermoplastic resin or thermoplastic elastomer. Please see page 11, lines 10-14 of the specification.

In conclusion, Ozaki et al. only, arguendo, teaches a laminated article comprising a substrate having on its both sides skin materials different in thickness and in material. This document would not have taught a foamed resin article comprising a foamed core layer and skin layers formed on both sides of the foamed core layer, the foamed core layer and the skin layers being of the same material. Ozeki et al., therefore, do not provide motivation to a skilled person to modify the technology of JP '362 so as to form two solidified layers from the same materials as that of a foamed layer so that the solidified layers may have different

thicknesses. As a result, the combination of the two documents would not have suggested the subject matter under consideration.

As to the rejection of claims 1-6 over Ozeki et al. (USP 6,080,469, the reference would not have suggested a foamed thermoplastic resin article made up of a skin material and a thermoplastic resin foamed based material, wherein the thermoplastic resin foamed base material is composed of a foamed core layer, a skin layer of the skin material side and a skin layer of the backside layer, the foamed core layer and the skin layers being formed from the same material comprising a thermoplastic resin and a foaming agent.

Applicants' submit that claims 1-6 define patentably inventions over Kitayama in view of Ozeki et al.

Applicants' counsel acknowledges the Examiner's courtesy during a telephone discussion conducted on or about April 9, 2003 in which the rejection of claims 1-6 under 35 U.S.C. §103(a) over Kitayama et al., U.S. Patent No. 6,124,025, in view of Ozeki et al., U.S. Patent No. 6,080,469, was discussed. The rejection should be reconsidered and withdrawn in its entirety. The Kitayama et al. reference simply is not prior art as a matter of law. The present application is assigned to Sumitomo Chemical Company, Limited, which is the assignee in common with the Kitayama et al. patent. Under the AIPA, the Kitayama et al. reference is disqualified from being prior art under 35 U.S.C. §102(e). Therefore, since the primary references is not prior art, the rejection which is founded upon such non-prior art should be withdrawn in its entirety.

Having addressed all matters, Applicants earnestly but respectfully submit their application merits allowance. A Notice of Allowance to that effect accompanied by written documentation that mailing address for counsel of record has been updated and corrected consistent with the various filings herein is also respectfully solicited.

Appl. No. 08-778.036
Amdt. dated September 12, 2003
Reply to Office Action of March 26, 2003

Respectfully submitted,

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Enclosure: Two-page document captioned "Partial Translation of JP-6-344362.



Partial Translation of JP 6-344362

[Claim 1] A method for producing a composite foamed article comprising:

[I] a step of setting a skin material between an upper and lower molds for mold-stamping molding, the molds being in an open state and being designed to slide together at their shearing portions;

[II] a step of causing the upper and lower molds to define therebetween a clearance L1 (mm) within the range represented by the following formula

$$(t1 + 5) \leq L1 \leq (t1 + 30)$$

wherein t1 denotes the thickness (mm) of the skin material before application of pressure, and then supplying a foaming agent-containing polypropylene resin composition for forming a substrate, the composition being molten at a temperature which is not lower than the melting point of the foaming agent and is within the range 180-240°C, between the lower mold and the skin material through a gate formed in the lower mold and, at the same time, closing the molds through lowering of the upper mold at a rate of 1-100 mm/sec by use of a mold clearance adjusting member to a position where the upper and lower molds define therebetween a clearance L2 (mm) indicated by the following equation

$$L2 = t2 + t3$$

wherein t2 denotes the thickness of the skin material after application of pressure and t3 denotes the thickness of a flat portion of a foaming resin substrate except its boss portion and rib portion, thereby establishing a shape of a substrate and simultaneously integrating the skin material and an unfoamed substrate layer composed of the polypropylene resin composition;

[III] a step of lifting the upper mold at a timing between 0.5-5 seconds from the completion of the establishing of the substrate shape and lowering the upper mold by use of the mold clearance adjusting member until a clearance L_3 (mm) defined by the upper and lower molds falls within the range indicated by the following formula, thereby foaming the polypropylene resin composition

$$t_2 + t_3 \times 1.1 \leq L_3 \leq t_2 + t_3 \times 2.0; \text{ and}$$

[IV] a step of cooling and solidifying a foamed substrate layer composed of the polypropylene resin composition under a compressed state while setting the mold clearance adjusting member after the completion of the foaming of the polypropylene resin composition.

[0045]

Finally, the upper mold 1 is lifted. An article shown in Fig. 6 is removed and trimmed. Thus, obtained is a composite foamed article shown in Fig. 7 which comprises the skin material 8 and a foamed substrate layer 14 made up of solidified layers 11 and a foamed layer 13.